

Notice of Allowability

Application No.

09/937,381

Examiner

Sandra M. Nolan

Applicant(s)

CHOMIER ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the 09 June 2004 response.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ The drawings filed on 24 September 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20040629.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Edward Brown (703/838.6656) on 29 June 2004.
3. The application has been amended as follows:

In the Abstract

Please enter the following on the page immediately after the claims.

--Abstract of the Disclosure

Articles are disclosed that include a rigid element and at least one part made of thermoplastic material associated with the rigid element and positioned in a concave space the rigid element. Methods for fabricating the articles are also disclosed.—

Remarks

The amendment inserts an abstract after the claims of the application.

* * *

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:
5. The base claims can be summarized as follows:

Claim 1 covers an article comprising:

a part comprising a rigid metal or thermoplastic elongated element

-at least one part of the element has a cross section having a profile defining a concave space

-the element also comprising at least one part thermoplastic part associated therewith and positioned in the concave space,

wherein:

a. the thermoplastic part is in contact on two or more sides that a continuous longitudinally, and

b. the thermoplastic part has a cross section comprising at least one hollow.

Claim 20 covers a method for making an article comprising one or more rigid metal or thermoplastic elements, a cross section of which has one or more parts defining a concave space and comprising one or more elements made of a thermoplastic molded material, comprising the steps:

a) arranging, in an injection mold having a desired shape, a preformed rigid metal or thermoplastic element having one cross section that has at least one part defining a concave space,

b) injecting molten thermoplastic material into the mold,

c) injecting a fluid or gas, through a needle into the molten thermoplastic material present in the concave space of the rigid element.

Claim 21 covers a method for making an article comprising one or more rigid metal or thermoplastic elements, a cross section of which has one or more parts

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defining a concave space and comprising one or more elements made of a thermoplastic molded material, comprising the steps:

- a) arranging, in an injection mold having a desired shape, a rigid metal or thermoplastic element that is to be preformed,
- b) performing the rigid element by pressing or hot forming it in the mold, such that it has a cross section having at least one part that defines a concave space,
- c) injecting molten thermoplastic material into the mold, and
- d) injecting a fluid or a gas through a needle into the molten thermoplastic material present in the concave space of the rigid element.

6. The prior art of record fails to teach or suggest articles or methods having all of the features of the base claims.

7. The arguments presented on pages 2 through 5 of applicants' 09 June 2004 response were deemed persuasive. The prior art rejection stated in the last office action is withdrawn in view of the arguments in the 09 June 2004 response.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication should be directed to Sandra M. Nolan, whose telephone number is 571/272-1495. She can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

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If attempts to reach the examiner are unsuccessful, her supervisor, Harold Pyon, can be reached at 571/272-1498.

The fax number for patent application documents is 703/872-9306.



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09937381(20040629)

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